



Attorney Docket: 53951-039

Patent

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7-23-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BURBANK, et al.

Serial No.: 09/513,910

Filed: February 25, 2000

For: HEMOFILTRATION SYSTEMS AND
METHODS THAT MAINTAIN STERILE
EXTRACORPOREAL PROCESSING
CONDITIONS

Group Art Unit: 3762

Examiner: Patricia BIANCO

RESPONSE TO OFFICE ACTION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUL 22 2003

TECHNOLOGY CENTER R3700

Sir/Madam:

This is in response to the Office Action mailed April 14, 2003, for which a shortened statutory period for response is set to expire on July 14, 2003. This response requests entry of amendments to the specification, drawings, and claims. Also, this response requests that

6383/53951-039 DCWORD/12863 v1

7/11/2003 4:00:22 PM (18584)

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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01 FC:2201 126.00 DA

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that claims 1-5 and 13-28 be reinstated for consideration as being drawn to the elected invention.

Election/Restriction

The Office Action mailed January 10, 2003 identified three inventions as follows:

Class I: 1-5 and 21-28 directed to the waste fluid line with an air break;

Class II: 6-12 and 29-36 directed to using a sterile filter in the replacement fluid path;
and

Class III: 13-20 directed to extended use features.

In paper no. 11, Applicant elected the group II invention and requested amendment of claims 1, 2, 3, 4, 5, 13, and 15. The amendments, which were apparently not entered or acknowledged in the Office Action, were effective to cause these claims to be directed to the elected invention. Applicant therefore requests entry of the amendment as entered in paper no. 11. The list of claims is drafted under the assumption that the amendments to claims 1, 2, 3, 4, 5, 13, and 15 are entered.

Note that Applicant's attorney thanks the Examiner for discussing the claims and that in consideration of the Examiner's concerns about the creation of species-election issues, Applicant has further amended claim 13 and canceled claim ~~14~~ and ~~16-19~~. Also claims ~~21-~~ 28 are canceled. The Applicant earnestly believes the remaining claims are directed to the elected invention and do not introduce new issues for examination.